

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

DEC 13 2010

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY W. J. [Signature]  
DEPUTY CLERK

I.R.H., A MINOR, )  
BY AND THROUGH )  
HER PARENTS WENDY HUMBLE )  
AND SEAN HUMBLE, AS NEXT )  
FRIENDS OF I.R.H., A MINOR, WENDY )  
HUMBLE, INDIVIDUALLY AND )  
SEAN HUMBLE, INDIVIDUALLY )  
Plaintiffs, )  
v. )  
UNITED STATES OF AMERICA )  
Defendant )

Civil Action No. A-09-CA-685-LY

ORDER APPROVING SETTLEMENT ON BEHALF OF MINOR

On this 13th day of Dec., 2010, the above-referenced matter came on for hearing and approval by the Court as to the reasonableness of a settlement between the United States of America and **I.R.H.**, a minor, by and through Wendy Humble, individually and as mother and next friend of I.R.H., Sean Humble, individually and as father and next friend of I.R.H., and John Ragland, Guardian Ad Litem of **I.R.H.**

Plaintiffs **Wendy Humble and Sean Humble** appeared by and through their attorney of record, Jamal K. Alsaffar. Defendant United States of America appeared through its attorney of record, Harold E. Brown, Jr. John Ragland, Guardian Ad Litem of I.R.H., appeared in person.

The complete and precise terms and conditions of the settlement are set forth in the Stipulation For Compromise Settlement And Release Of Federal Tort Claims Act Claims Pursuant To 28 U.S.C. § 2677 (hereinafter "Stipulation") and the Irrevocable Reversionary Inter

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Vivos Grantor Medical Care Trust For The Benefit of **I.R.H.** (hereinafter "Reversionary Trust"), attached as Exhibits "A" and "B" to the Joint Motion to Approve Settlement on Behalf of a Minor. The Court has reviewed the Stipulation and the Reversionary Trust, taken testimony, and heard arguments in favor of this settlement. The Court is fully informed of the specifics of the full and final terms and conditions of the settlement, including the necessity of the approval by the Attorney General of the United States after this Order is entered. The Court finds that the terms and conditions of this settlement, as set forth in the Stipulation and Reversionary Trust, are fair, reasonable, and in the best interests of **I.R.H.**, a minor.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the settlement, as set forth in Exhibits A and B, is hereby approved. It is further Ordered that **Wendy Humble and Sean Humble**, as parents and next friends of **I.R.H.**, a minor, and John Ragland, the Guardian Ad Litem of **I.R.H.**, a minor, are authorized and required to sign the Stipulation, the Reversionary Trust, and any other documents that are necessary to consummate this settlement, and to provide any information and documentation necessary to complete the purchase of annuity contracts and the establishment of the Reversionary Trust, on behalf of **I.R.H.**, a minor.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the settlement amount of **\$5,800,000.00** (hereinafter "Settlement Amount") shall be distributed according to the terms and conditions of the Stipulation. With respect to the settlement funds that will be made payable to the named plaintiffs pursuant to Paragraph 3.a.i. of the Stipulation, the Court hereby Orders that upon satisfaction of the conditions described in the Stipulation, Defendant pay the cash sum of Two Million Nine Hundred Thousand Dollars (\$2,900,000.00) by electronic funds transfer (hereinafter "Upfront Cash") to the plaintiffs' attorneys' trust account. These

funds will be used to pay the attorney's fees, costs, and expenses herein approved and to pay any lien or claim for reimbursement.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that attorney's fees in this action shall not exceed twenty-five percent (25%) of the settlement amount and shall be paid as provided in the Stipulation. The Court finds that the costs and expenses associated with the litigation are \$31,599.42 and that such costs and expenses are fair, reasonable, and necessary. It is hereby Ordered that such costs and expenses are approved and are to be paid as provided in the Stipulation. The Court finds that plaintiff is legally responsible for any and all past, present, and future liens or claims for payment or reimbursement, including any liens or claims for payment or reimbursement by Medicaid, Medicare, or healthcare providers. The Court hereby Orders plaintiff, by and through her attorney, to satisfy or resolve any and all such past, present, and future liens or claims for payment or reimbursement asserted by any individual or entity, including Medicaid and Medicare. The Court further orders that the Plaintiffs' attorneys shall, as required by paragraph 6 of the Stipulation withhold the sum of \$200,000.00 in his trust account for a period of three years for the sole purpose of paying any and all liens or claims that any State, other public entity, or private entity or individual may have now or in the future against the United States (and its agents, servants and employees) arising out of the subject matter of this action. The Court further Orders that plaintiff and her attorney shall provide to the United States the information required by the Stipulation regarding the satisfaction or resolution of such liens or claims for payment or reimbursement within the time specified in said Stipulation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff, upon final execution of the Stipulation and the Reversionary Trust, upon approval of this settlement by the

Attorney General of the United States after this Order is entered, and receiving notice from the United States Attorney's Office for the Western District of Texas that it has received the funds via Electronic Funds Transfer for the amount of the Upfront Cash set forth in Paragraph 3.a.i. of the Stipulation, shall cause their attorney to file with the United States District Court for the Western District of Texas a dismissal of this action in its entirety with prejudice, with each party bearing its own costs, expenses, and fees. Subject to the terms and conditions set forth in Paragraph 3.a. of the Stipulation, plaintiffs' attorney shall distribute said Upfront Cash to the plaintiff after payment of attorneys fees, costs, expenses, and guardian ad litem fees as approved herein, and after resolving any lien or claim for reimbursement or payment for which plaintiff has agreed to be legally responsible under the terms of the Stipulation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that John Ragland is entitled to \$2,000 as a fee for services as *guardian ad litem*, and that this amount shall be paid by the Plaintiffs from the Upfront Cash.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE

Dated this 13th day of December, 2010.

APPROVED AS TO FORM AND CONTENT:

**JOHN E. MURPHY**  
**UNITED STATES ATTORNEY**

By: /s/ Harold E. Brown, Jr.  
**Harold E. Brown, Jr.**  
Assistant United States Attorney  
Attorney for Defendant,  
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/s/ Jamal K. Alsaffar  
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